

## REMARKS

Claims 19 and 24 are pending in the application. Claim 19 has been amended and claims 20-23 have been canceled by the present amendment.

### *Claim Rejections*

The rejection of claims 19-24 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US Patent No. 5,487,959 to Koksbang ("Koksbang"), US Patent No. 4,001,043 to Momyer ("Momyer") or US Patent No. 4,917,974 to De Jonghe et al. ("De Jonghe") are noted. Claim 19 has been amended to eliminate the "formed by" language so that it is no longer a product-by-process claim. Instead the claims now recite the composition of the film coating the lithium material of the anode, namely  $\text{Li}_2\text{S}_2\text{O}_4$ . Support for this amendment may be found at page 28, lines 19-22 where the example of the formation of a stand alone electrode with a film coating of  $\text{Li}_2\text{S}_2\text{O}_4$  by treatment of the lithium electrode with gaseous  $\text{SO}_2$  prior to the incorporation of the electrode into a battery cell during cell assembly is described. The advantages of this composition (the  $\text{Li}_2\text{S}_2\text{O}_4$ -coated lithium electrode) were demonstrated and are described and illustrated in Example 2 and Fig. 5. Claims 20-23 have been accordingly canceled. Claim 24 remains as filed. It is respectfully submitted that none of the cited art alone or in combination teaches or suggests the presently claimed composition nor its advantages, and that as such the presently claimed invention is novel and unobvious over the cited art of record.

Accordingly, it is respectfully submitted that the pending claims are patentable over the cited art and withdrawal of the rejections is respectfully requested.

### *Information Disclosure Statement*

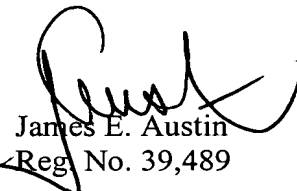
In the first Office Action mailed September 24, 2004, the Examiner noted that the application failed to comply with 37 CFR § 1.98(a) for failure to submit copies of all cited references with the Information Disclosure Statement (IDS) filed August 20, 2003. As noted in the last response, while it was not explicitly stated in the IDS, the present application is a divisional of Application No. 09/789,379, now US Patent No. 6,632,573, and the references listed in the PTO Form 1449 were either cited by the PTO, or submitted to the PTO in the parent application. Accordingly, under 37 CFR § 1.98(d) Applicants submit that copies of the references need not be provided in the present application. The Examiner was requested to consider the information submitted in the IDS and to provide an initialed copy of the PTO 1449 with the next action. A clean copy of the original 1449 attached to the IDS was submitted with the prior response for the Examiner's convenience.

In a telephone message left by the Examiner for Applicants' undersigned representative on June 9, 2005, the Examiner acknowledged the foregoing and indicated that she had now considered all of the references cited in the IDS filed August 20, 2003. The Examiner is thanked for this confirmation that the submitted art has been considered. If the Examiner has any further concerns about the IDS or Applicant need do anything further to ensure that all of the cited art is made of record the Examiner is asked to contact the undersigned.

***Conclusion***

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. If any further fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP023D1).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

  
James E. Austin  
Reg. No. 39,489

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100